

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Lorene Lamb, derivatively and on  
behalf of nominal Defendant Big Lots,  
Inc.,**

**Plaintiff,**

**-v-**

**Case No. 2:12-cv-445**

**Jeffrey Paul Berger, et al.,**

**Judge Michael H. Watson**

**Defendants.**

**Louisiana Municipal Police  
Employees' Retirement System,  
derivatively and on behalf of  
nominal Defendant Big Lots, Inc.**

**Plaintiff,**

**-v-**

**Case No. 2:12-cv-447**

**Jeffrey Paul Berger, et al.,**

**Judge Michael H. Watson**

**Defendants.**

**ORDER**

Plaintiffs in these consolidated shareholder derivative actions move the Court to take judicial notice of two documents: (1) Big Lots Inc.'s Press Release dated December 4, 2012, entitled, "Big Lots Announces CEO Planned Retirement

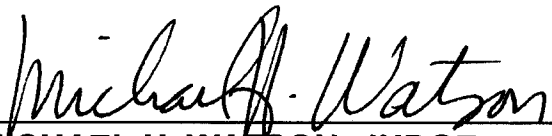
and Transition Plan For The Coming Year” and (2) an excerpt from Big Lots Inc.’s Form 10-Q dated December 5, 2012. ECF No. 36. Plaintiffs attach copies of the two documents to their motion. ECF Nos. 36-1, 36-2. Defendants have not filed any opposition to Plaintiffs’ motion.

Plaintiffs do not indicate precisely what facts they are asking the Court to take judicial notice of, such as specific factual assertions contained in the documents. Consequently, the Court assumes Plaintiffs are simply asking it to take notice that the two documents are what Plaintiffs purport them to be and constitute statements made by Big Lots, Inc.

Pursuant to Federal Rule of Evidence 201(a)(2), the Court **GRANTS** Plaintiffs’ unopposed motion to take judicial notice, and accordingly takes judicial notice that the two documents attached to their motion are what Plaintiffs purport them to be and constitute statements made by Big Lots, Inc. Federal Rule of Evidence 201. The Court does not, however, take judicial notice of the truth or accuracy of the contents of those documents.

The Clerk shall remove ECF No. 36 from the Civil Justice Reform Act motions reports.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**